

**To:** alicia.acuna@FOXNEWS.COM[alicia.acuna@FOXNEWS.COM]  
**From:** McClain-Vanderpool, Lisa  
**Sent:** Thur 8/13/2015 11:40:06 PM  
**Subject:** Your inquiry re: claim form for damages

Alicia,

I am sorry for the delay. The information you saw on indianz.com was inaccurate. Below is an explanation.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

**“Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

Lisa McClain-Vanderpool

Public Affairs Specialist/Media Officer

Office of Communications and Public Involvement

US Environmental Protection Agency, Region 8

1595 Wynkoop Street

Denver, Colorado 80202

Office 303.312.6077

Cell 303.501.4027